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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
28 and 29 June 2021

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Non-legislative activities

FISHERIES

5. **Communication on the state of play of the Common Fisheries Policy (CFP) and consultation on the Fishing Opportunities for 2022** 9515/21

*Presentation by the Commission
Exchange of views*

The Council held an exchange of views on the communication “Towards more sustainable fishing in the EU: state of play and orientations for 2022”.

Any other business

8. **Fisheries**

- a) **Implementation of the Maritime Spatial Planning Directive** 10092/21

Information from the Commission

The Council took note of the information provided by the Commission

- b) **European Maritime, Fisheries and Aquaculture Fund (EMFAF) programming: Maximising the added value of public investment in fisheries and aquaculture** 9975/21

Information from the Commission

The Council took note of the information provided by the Commission, and of the comments made by delegations.

- c) **Current situation in the North Eastern Atlantic** 10131/21

Information from the French, Irish and Spanish delegations

The Council took note of the information provided by the French, Irish and Spanish delegations, and of the comments made by other delegations and the Commission.

MEETING ON TUESDAY 29 JUNE 2021

AGRICULTURE

Non-legislative activities

9. Market situation

9912/1/21 REV 1

Information from the Commission

Exchange of views

The Council took note of the information provided by the Commission on the situation on key agricultural markets and of delegations' comments and questions, and requests.

Member States referred to the effects of various factors and uncertainties impacting the EU agri-food sector, in particular the continuation of the COVID-19 crisis, the high cost of feed, unfavourable weather conditions in large parts of the continent, and the application of the new partnership agreement with the UK.

In addition the Council took note of the Commission response to Member States' comments and requests. It would return to the issue when necessary.

Any other business

10. a) 49th Conference of Directors of EU Paying Agencies (online conference, 9 June 2021)

9858/21

Information from the Presidency

The Council took note of the information provided by the Presidency and of the reaction of the Commission.

d) Recent natural catastrophe and serious damage caused to the agricultural sector

10223/21

Information from the Czech delegation

The Council took note of the information provided by the Czech delegation on the recent natural catastrophe and the serious damages caused to the agricultural sector. The Council also took note of the response from the Commission.

Statements to the legislative "A" items set out in doc. 9963/21**Conclusions on animal welfare during maritime long distances
transport to third countries****Ad "A" item 1:***Approval***STATEMENT BY THE NETHERLANDS, GERMANY AND LUXEMBOURG****"Introduction**

Member States of the European Union export millions of sheep and cattle each year to Turkey, the Middle East, North Africa, Russia and Asian countries by road and sea. Despite many efforts to improve compliance with the provisions of Council Regulation (EC) No 1/2005, and despite the fact that best practices exist, we conclude that the welfare of animals cannot be sufficiently guaranteed during these type of long journeys.

Animal welfare concerns

One major concern is related to extreme high and low temperatures during long distance transports of the animals. In summer, the conditions for the animals can deteriorate rapidly, especially when they are waiting in stationary vehicles, for example in EU-ports before docking, or at EU-exit points or points of entry into a third country.

Audits by the European Commission show that, when it comes to transports of animals to third countries, there is room for improvement as regards compliance with the Regulation, adequate official controls and enforcement, as well as communication between Member states. But even if all detected shortcomings are solved, Member States' competent authorities still cannot guarantee that, or verify if, the part of the journey which takes place outside EU borders is in accordance with EU rules. In addition, if unforeseen problems occur outside EU borders, posing a threat to the welfare of the animals, it is often not reported back to the Member State of origin and possibilities to intervene are extremely limited. Especially during long distance transports via sea, when unforeseen prolonged delays occur, it becomes difficult provide for the needs of the animals and to get them safely to their destination. The sea vessel may need to return to the EU port of origin but this is problematic because re-entry of animals into the EU is not always possible under current EU rules. We have all witnessed the terrible situation earlier this year, when two livestock-carrying sea vessels were stuck on the Mediterranean Sea for months, which eventually ended in the killing of all the animals in the port of Cartagena, Spain.

Finally, the conditions to which the animals are exposed after arrival at their destination, e.g. during onward transport, at livestock markets and at slaughter, must also be taken into account.

Time for a change

For all reasons above, we call for an EU-wide ban of long-distance transports of livestock to third countries by road and by sea. This should be implemented in the upcoming revision of Council Regulation (EC) No 1/2005. We strongly advocate a shift from transporting live animals, to a trade in meat and carcasses, as well as genetic material."

Ad "A" item 9:

Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement with Gabon

Adoption

Ad "A" item 10:

Council Decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement with Gabon

Agreement in principle

Request for the consent of the European Parliament

Ad "A" item 11:

Council Decision on the signing and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement with Gabon

Adoption

STATEMENT BY THE COMMISSION

“By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the Decision on the signing and provisional application as well as on the conclusion of the Implementing Protocol (2021-2026) to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community, the Commission regrets the Council’s amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard.”

STATEMENT BY THE COMMISSION

“The Commission considers that the Decision on the signing and provisional application of the Protocol implementing the Fisheries Partnership Agreement between the European Union and Gabon, should refer to the person designated by the negotiator as the one to be empowered to sign the Protocol. Therefore, the changes to Article 2 that provide for the President of the Council to designate the person who is to sign the agreement on behalf of the Union are not in accordance with the Treaties.

The Decision on the conclusion of the Protocol implementing the Fisheries Partnership Agreement between the European Union and Gabon, should indicate the Commission as responsible for the notification of the Union’s consent to be bound by the Protocol. The changes to Article 3 that provide for the President of the Council to make this notification are thus also not in accordance with the Treaties.

Both the signature of an international agreement and the subsequent notification of the consent to be bound by it are acts of external representation of the Union, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Court of Justice has emphasized that consistent practice by Union institutions that is not in accordance with the EU Treaties ‘cannot alter the rules of the Treaties that the institutions are obliged to respect’ (Case C-687/15 Commission v Council, EU:C:2017:803, para. 42).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard.”

Ad "A" item 31: **Crisis Management Concept (CMC) for possible EU non-executive
military CSDP mission in Mozambique**
Approval

STATEMENT BY HUNGARY

“Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, Hungary interprets the concept of "gender" in the text as a reference to sex in line with art. 10, art. 19 para 1 of the Treaty on the Functioning of the European Union, as well as art. 21 of the EU Charter of Fundamental Rights.”